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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

JACQUELINE J. RIGGS,	)	
	)	
Plaintiff,	)	Civil No. 07-6293-HO
	)	
v.	)	ORDER
MICHAEL J. ASTRUE,	)	
Commissioner Social Security	)	
Administration,	)	
	)	
<u>Defendant.</u>	)	

Plaintiff, Jacqueline Riggs, moves for an award of attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$4,879.32 for 3.5 attorney hours of work at a rate of \$166.46 per hour, 14.6 attorney hours at an hourly rate of \$172.85 , 5 attorney hours at an hourly rate of \$171.11 and 10.2 legal assistant hours at an hourly rate of \$90.00. [#25]. No costs or fees are requested. *Id.*

The Commissioner contests plaintiff's request for an award of fees asserting that he and not plaintiff, was the prevailing party and even if he is not considered the prevailing party, that his position was substantially justified. [#27].

However, this court already considered and granted plaintiff's request for attorney fees on November 24, 2009. [#24]. The issue currently to be decided is the amount of fees to be granted. The Commissioner's response [#27], to plaintiff's application [#25], is silent with regard to any objections regarding the amount requested and is therefore construed as having no objection to the amount.


Having reviewed the record, I find that the number of hours spent by plaintiff's counsel and the hourly fees requested are reasonable under the EAJA.

Conclusion

Plaintiff's motion (#25) for attorney fees under the EAJA is granted in the amount of \$4,879.32.

IT IS SO ORDERED

DATED this 23<sup>rd</sup> day of March, 2010.

  
United States District Judge